REMARKS

In the Office Action, dated July 7, 2009, the Examiner states that Claims 8, 27, 28, 32 and 33 are pending and rejected. By the present Amendment, Applicant amends the claims.

Rejection under 35 U.S.C. §112

Claim 8 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite because the Office Action considers that the phrase "wherein a selective reflected wavelength...selective reflected light" is ambiguous. Claim 8 is currently cancelled rendering the present rejection moot. However, the features of Claim 8 have been incorporated into Claim 27 and in accordance with the suggestion in the Office Action, the phrase reads "wherein a selected reflected wavelength...selected reflected light."

Rejections under 35 U.S.C. §102 and §103

Claim 8 is rejected under 35 U.S.C. §102(b) as being anticipated by Coates (US 6,912,030). Claims 27-28 and 32-33 are rejected under 35 U.S.C. §103(a) as being unpatentable over Coates. Applicant respectfully disagrees with and traverses these rejections.

Applicant respectfully asserts that Coates is completely silent regarding the feature of "a plurality of minute units (domains) ...exist." Since Coates does not teach or suggest this feature, it naturally does not teach or suggest that a maximum major axis of an inscribed ellipse on a surface of the minute units (domains) is 40 μm or less.

Since a plurality of minute units (domains) whose maximum major axis of an inscribed ellipse on a surface thereof is 40 μm or less, the present invention can attain the effect of effectively restraining the situation where the bright and dark pattern generated in the display image is made more difficult to recognize for sure and display quality is deteriorated (page 29, line 23 to page 30, line 3, specification).

Since Coates does not teach or suggest each and every feature of the currently amended claims, Applicant respectfully asserts that it cannot properly be cited as anticipating the claims of the present application.

Moreover, to support a *prima facie* case of obviousness, the Office Action must establish "a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the

claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference." Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in view of *KSR International Co. v. Teleflex Inc.*, 72 Fed. Reg. 57,526 (Oct. 10, 2007). Since the prior art does not teach or suggest each and every feature of the presently claimed invention, Applicant respectfully asserts that a *prima facie* case of obviousness cannot presently be established.

Accordingly, Applicant respectfully requests withdrawal of the foregoing rejections under 35 U.S.C. §102(b) and 35 U.S.C. §103(a).

In light of the foregoing response, all the outstanding objections and rejections are considered overcome. Applicant respectfully submits that this application should now be in condition for allowance and respectfully requests favorable consideration.

Respectfully submitted,

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Date

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